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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8349 of 2007

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Sukhdeo Paswan , son of Ghaltu Paswan, resident of village - Gausi, P.S. – K. Nagar, District - Purnea.

.... Petitioner

Versus

1. The State Of Bihar
2. Collector, Purnea
3. D.C.L.R., Purnea
4. Anchal Adhikari Circle Office, Krityanand Nagar, District - Purnea
5. Shri Kant Yadav, son of Dasrath Yadav, resident of village - Goasi, P.S. – Krityanand Nagar, District - Purnea

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Nadimul Hasan
For the Respondent/s : Mr. (Aag6)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 12-03-2013 Heard learned counsel for the petitioner , learned A.C. to A.A.G. No. 10 as well as Sri Mrityunjay Kumar, learned counsel who has appeared on behalf of respondent no. 5.

The petitioner, who claims to be privileged person has approached this court against an order dated 6.3.2007 passed by Collector, Purnea / respondent no. 2, whereby, the learned Collector while exercising power under Section 21 of the Bihar Privileged Persons Homestead Tenancy Act, 1947 , has cancelled Basgit Purcha issued in favour of the petitioner.

At the very outset learned counsel for the petitioner submits that during the pendency of the present writ petition Land Tribunal for adjudicating such dispute has already been

constituted under the Bihar Land Tribunal Act, 2009, and as such, a prayer was made for transferring the record to the Tribunal.

Sri Mrityunjay Kumar, learned counsel for respondent no. 5 has raised objection and submits that petitioner was not a privileged person at the time of issuance of Purcha, which was cancelled by the Collector vide the impugned order.

Be that as it may, since Tribunal is already functioning , the court is of the opinion that record of this case can be directed to be transmitted to the Tribunal. Accordingly, under the provisions contained in Section 15 of the Bihar Land Tribunal Act, 2009, Registry is directed to transmit the record to the Tribunal forthwith.

(Rakesh Kumar, J)

Praful/-